

### **Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 1 and 13 have been amended. No claims have been cancelled. Therefore, claims 1-23 are present for examination.

### **35 U.S.C. §101 Rejection**

The Examiner has rejected claims 13-17 under 35 U.S.C. §101 as directed to non-statutory subject matter. Claim 13 is amended.

### **35 U.S.C. §112 Rejection**

The Examiner has rejected claims 1-7 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 1 is amended

### **35 U.S.C. §102 Rejection**

#### *Klauss*

The Examiner has rejected claims 1-5, 8-10, 13-15 and 18-21 under 35 U.S.C. §102(e) as being anticipated over Klauss et al., U.S. Patent Publication No. 2004/0102155 ("Klauss"). In Klauss, the IRD 132 of Figure 4 is a satellite receiver set-top box. It has a smart card 406 which together with the CA Verifier 408 verifies access to programs and optionally can switch the tuners to tune to different channels. Figures 5A to 5D describe the process in which the set-top box receives new CAI (Conditional Access Information) from the satellites. This might happen when the user changes his subscription or the satellite broadcaster changes the channel line-up.

Looking at Claim 1, the tuners have "an external control interface to receive commands...." A microcontroller is "coupled to the external control interfaces of the first and second tuners... to transmit the converted commands to the respective identified tuner."

The Examiner appears to read this on the tuners receiving CAI from the satellite 108 transponders 450, 452, 454, 456 and then reads the microcontroller on the microcontroller 414. The CAI is not received from the microcontroller. The CAI goes to the smart card 406. It is then used to affect which channels the tuners are tuned to. The CAI is not commands to the tuners, but subscription data used by the CA Verifier to restrict access to some of the broadcasted channels.

Claim 1, further includes, "the first tuner having an external control interface to receive commands in a first protocol specific to the first tuner at the external control interface" and "the second tuner having an external control interface to receive commands in a second protocol different from the first protocol and specific to the second tuner at the second tuner external control interface."

The Examiner appears to read this onto Type A and Type S CAI. As is clear from Figure 5B, all of the tuners are capable of receiving the Type A CAI. That is why there is a designation of the one that is to pass the Type A CAI to the smart card. Further, the CAI is not a command, the types are not protocols, and they are not received at control interfaces but at the RF interfaces. There is nothing in the reference to support the Examiner's position that these are commands.

In addition, the Examiner appears to suggest that the Type A and S CAI are commands received by the tuners from the CAM (smart card) 406. However, paragraph

72 is clear that the CAI is received from the satellites and sent from the tuners to the CAM.

There is an implication in this rejection that the Examiner may be reading the claims onto the reference in a completely different way. The Examiner would seem to suggest that commands are received at user I/O 420, passed to the microcontroller 414 and converted and then sent to the tuners as either Type A or Type S.

First, since Type A and Type S refer to CAI that is used to restrict access and not for user control of the tuners, this reading is inconsistent with the references. Accordingly, there is nothing to suggest that the microcontroller would use different command protocols to control different tuners.

### **35 U.S.C. §103 Rejection**

#### *Klauss and Godwin or Young*

The Examiner has rejected claims 6, 7, 11, 12, 16, 17, 22, and 23 under 35 U.S.C. §103(a) as being unpatentable over Klauss et al., U.S. Patent Publication No. 2004/0102155 ("Klauss") in view of Godwin, U.S. Patent No. 6,772,434 ("Godwin") or Young, U.S. Publication No. 2003/0194968 ("Young"). These rejections rely on the Klauss rejection and are traversed on the same grounds, *inter alia*.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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